

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re:

Gladys Cantave

Debtor.

Chapter: 13

CASE No: 1-19-42003-cec

OBJECTION TO LOSS MITIGATION REQUEST

I, Aleksandra K. Fugate, Esq., attorney for Wells Fargo Bank, N.A. ("Secured Creditor"),

affirms under penalty of perjury as follows:

1. This Objection is submitted in response to the Loss Mitigation Request by Gladys Cantave ("Debtor") filed in the Chapter 13 Plan on April 3, 2019.
2. Debtor is currently 127 payments delinquent and the loan is currently due for the June 9, 2014 bi-weekly payment.
3. Debtor has a current interest rate of 4.39% with a maturity date of May 22, 2036.
4. The Secured Creditor has attempted multiple times to work with the Debtor in regards to the default and has completed prior reviews.
5. Debtor entered loss mitigation and was removed from review on January 20, 2015 as Debtor did not provide a complete packet for review
6. Debtor entered loss mitigation and was removed from review on October 29, 2015 as an affordable payment could not be reached. Income used in the review was \$2,671.15.
7. According to Debtor's voluntary petition Schedule I, Debtor is claiming to receive \$3,000.00 from her Daughter and her Daughter-In-Law as income; however, unless they reside at the property, this income cannot be used in a loss mitigation review.

8. Given the history of the loan, the prior Loss Mitigation review, and the uncertainty with the income, the Secured Creditor requests an Order not be entered and the Request for Loss Mitigation be denied.

Dated: April 18, 2019

/s/ Aleksandra K. Fugate, Esq.
Aleksandra K. Fugate, Esq.
WOODS, OVIATT, GILMAN LLP
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**AFFIDAVIT OF
SERVICE BY MAIL**

I, Josh MacDonald, being duly sworn, deposes and says: Deponent is not a party to this action, is over 18 years of age, and resides in Rochester, New York. On April 18, 2019 deponent served an Objection to Loss Mitigation Request upon:

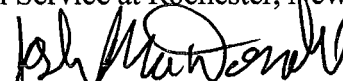
Seni Popat, Esq.
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260-14 Hillside Avenue
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Gladys Cantave
241-30 Mayda Rd
Rosedale, NY 11422

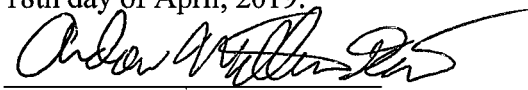
Michael J. Macco, Esq.
2950 Express Drive South
Suite 109
Islandia, NY 11749

United States Trustee
Office of the United States Trustee
U.S. Federal Office Building
201 Varick Street, Room 1006
New York, NY 10014

By deposit a true copy, in a postpaid properly addressed envelope, in a post office box under the exclusive care and custody of the United States Postal Service at Rochester, New York


Josh MacDonald

Sworn to before me this
18th day of April, 2019.



Notary Public

